

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

DEWEY E. HURST,)	
)	
<i>Petitioner,</i>)	
)	
v.)	Nos. 1:03-CR-74-CLC-WBC-2
)	
UNITED STATES OF AMERICA,)	
)	
<i>Respondent.</i>)	

MEMORANDUM OPINION

Federal prisoner Dewey E. Hurst (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on November 12, 2008 [Doc. 99; E.D. Tenn. 1:08-cv-267].¹ The Court denied relief, concluding none of the grounds asserted in Petitioner’s original petition provided a viable basis for granting the requested collateral relief [*See generally* Docs. 113, 114]. Petitioner recently submitted a “supplemental memorandum” attacking the same conviction [E.D. Tenn. Case No. 1:03-cr-74-CLC-WBC-2]—this time relying on the Supreme Court’s decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015) [Doc. 118]. Review of the filing leads the Court to conclude Petitioner intended the document to be a successive § 2255 petition.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has obtained an order from the United States Court of Appeals for the Sixth Circuit authorizing the Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 1:03-CR-74-CLC-WBC-2.

Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 118] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

AN APPROPRIATE ORDER SHALL ENTER.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE